

Serial No. 09/997,655
Page 8 of 9**REMARKS**

Claims 1-12 and 14-15 are pending in the application, claim 13 has been cancelled.

Claim 13 is rejected under 35 U.S.C. § 102(b) as anticipated by Turney (U.S. 4,516,083).

Claim 13 has been cancelled, thus it is submitted that the rejection of this claim is now moot.

Claims 1, 2, and 5-12 are rejected under 35 U.S.C. § 103(a) as unpatentable over Solheim (U.S. 5,896,391) in view of Turney and further in view of Wada (U.S. 5,602,879). The rejection of these claims is respectfully traversed for at least the following reasons.

Previously, Applicant's have argued that the cited references failed to reach "determining whether signal logic levels of the measured data at adjacent monitor points match." To address this feature, the Examiner now cites Wada at Figs. 7-10 and column 10, lines 14-39. As best understood, the relied upon portion of Wada discloses a circuit that recovers a clock signal from a received signal. In doing so, as described by Wada, a time axis is divided into multiple discrete sampling points (e.g., eight points for each symbol cycle, as shown in Fig. 8). Wada teaches the determination of an appropriate timing point by the correlation between adjacent sampling points in terms of bit error rates.

In contrast, the devices of independent claims 1, 14 and 15 divide not only the time axis, but also the voltage axis. This is recited in the claims as "sequentially sweeping a voltage threshold level and a phase of an extracted clock with respect to the input signal." It is respectfully submitted that the relied upon portions of Wada fail to include such a feature. Moreover, this shortcoming is not addressed by the relied upon portions of Solheim or Turney. Accordingly, it is submitted that the relied upon portions of the cited references, whether singularly or in combination, do not teach each and every aspect of independent claims 1, 14,

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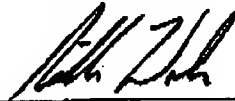
and 15, which are therefore allowable. Claims 2-12, which depend from an allowable base claim are allowable therewith.

CONCLUSION

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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